

## SANTA BARBARA MEETING.

### HEALTH LAWS AND THE RIGHTS OF THE PEOPLE.

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The duty of a State to protect the life and health of its citizens is a fundamental principle of government. It is not only a fundamental principle, it is the supreme principle of government. *Salus populi suprema est lex*, the health or welfare of the people is the supreme law.

Since society was first organized the purpose of adopting Health Laws—like other laws—has been for the preservation of society's own interests. In this complicated life of ours the most important laws concern the protection of life itself.

Self-preservation being the first law of nature has become the first law of government.

It is the nature of law to define limits. Nature has made rigid health laws and punishes severely—sometimes with speedy death—a fatal violation of her laws.

Laws to be effective must be obeyed. Every State as a necessary consequence of its duty to protect the health of its citizens has the right to determine and enforce health laws deemed most conducive to the promotion of the public good.

In a Republic like ours, where majority rules, no individual has a right to demand that an exception and exemption be made in his favor, where such exemption and exception render void and endanger the lives of the majority.

Our inalienable rights to pursue life, liberty and happiness are all vitally involved in our rights to health protection, and no one who believes in majority rule—the rule upon which democracy is based—can contemplate without deep solicitude and concern the open defiance and violation of health laws upon one private pretext or another.

The health of the people and the causation and prevention of disease must be dealt with as a whole and the State must compel compliance with its laws. And here we find the reason for proposing only laws definitely designed for the common good and opposing laws that are indefinite or intended only for special interests.

An indefinite legislative measure should be opposed on general principles, as it manifestly indicates that the proponent has no clear conception of its purpose, or wishes to hide and befog the issue. Any measure that cannot be explained clearly is clearly of a questionable character and contains the seeds of future controversy.

Greater care should be exercised in the framing, passing and enforcing of Health Laws than with any other laws, for Health Laws always involve the fundamental rights of every citizen. There are no functions of government for which we are all taxed that confer such essential benefits so uniformly on all, as those departments that are devoted to guarding against the invasion of disease from alien shores or from the germ kingdom.

The State safeguards the health of its people through modern sanitary machinery, sewers, disposition of waste and garbage, inspection of fish and oyster supply, and all meat products—by sound laws—well enforced—for the maintenance of cleanliness in and about the private and public premises.

The old saying that Cleanliness is next to Godliness does not induce many people to get "next," unless urged by an effective Health Department well backed by public opinion. You all recall the many serious violations of the pure food laws and the fatal results of food adulteration.

When the pure food law was being discussed in Congress, Representatives Stanley of Kentucky showed his fellow members of the House how some of the drinks of that day were manufactured. Holding up a concoction which he had prepared before their eyes, he remarked that it would make a howling dervish out of a monk, and make a

rabbit spit in a bulldog's face. Devoted members of the medical profession through long days and nights of research work, have detected and prevented food adulteration that has saved and is saving the lives of millions.

I can find no evidence that any of the various cults and critics of the medical profession has ever attempted, much less won, a campaign for the benefit of their fellow men—not even against a fly or mosquito. They are so busy insisting on their rights that they have no time for duty. There is no right without a corresponding duty. Rights and duties must be reciprocal.

If a person resents invasion of certain rights, he is bound by that very principle to respect the rights of others. And a minority cannot consistently claim minor rights that trespass on the major rights of the majority.

The individual who is in the minority class, and particularly if he has an eccentric belief, is prone to insist that his rights are more sacred than the rights of all the world combined. When a few fanatical individuals are organized and determined to follow their beliefs at all hazards they are often able to trespass on the rights of a vast majority. When this obsession touches health, it not only endangers the life of the few but of all the majority.

Health used to be considered a matter for individual decision and concern. But today we know that health is a community and not an individual problem.

The knowledge of communicable diseases and the realization that disease prevention depends upon community co-operation has increased the interest of all in the health of all.

Disease prevention is a community problem of far greater importance than fire prevention. The value and necessity of fire prevention has long been recognized. But despite fire proof buildings, faster and more modern equipment fires still occur, and sometimes great conflagrations.

A little spark and the fire starts and spreads. O'Leary's cow kicked over Chicago and did irreparable damage.

And there are some that are as careless as O'Leary's cow. The fact that the cow did not fully appreciate the danger or damage of her own act did not reduce that danger or damage that resulted from that careless kick.

People of a superstitious trend of mind used to believe in spells and witchcraft and hoodoos. But now we know that "no fairy tales nor witch hath power to charm"—although some still believe that malicious animal magnetism wields evil power but at the same time calmly assert that they cannot distribute germs because they do not believe in them. Denying the existence of tuberculosis and typhoid, with an upward toss of the head, is no more effective in preventing these dangerous diseases than the method employed by the ostrich, which with equal assurance buries its fatuous head but leaves vulnerable parts of its anatomy exposed to pursuing danger.

If the action of the few, who do not believe in communicable diseases, and who, therefore, not only do not observe but oppose necessary health measures, only suspended the sword of Damocles above their own heads it would not give the community such profound concern. But the few menace the lives of the many besides their own.

I am informed by medical science that a very large amount of preventive diseases are traceable to two sources—water supply and milk supply.

Pasteurization means nothing to those who believe that germs are fictitious creatures that are cultured in the fertile imaginations of the M. D.'s. The rights of the people demand, however, that the men who inspect our milk supply shall do it scientifically and this can only be done by those who have a technical knowledge of bacteria to enable them to make proper tests and insure the public a wholesome supply of milk.

The necessity of a scientific analysis of water supply is no less essential. Scientific processes have saved and are saving tens of thousands by guarding the water and milk and keeping foods as pure as possible.

Without strong, well-organized, well-supported and equipped competent Boards of Health—health protection is merely an idle phrase.

The necessity of efficient county health units co-operating with the physicians and with the State Board of Health was strikingly illustrated during the recent epidemic. A health department inadequately equipped can no more fight disease successfully than an improperly equipped fire department can fight fire.

Health officers are poorly paid and health departments of many of our cities are inadequately financed. As the very foundation and safety of our State depends upon the vitality of the people we should encourage larger appropriations for the advancement of health, for psychopathic hospitals, physical culture in the schools, child hygiene, etc.

Health made our fighters fit to fight and win a world's victory, and health will make us fit to fight and win the victories of Peace "no less renowned than war."

The most encouraging sign of this time of unrest that points the way to better days is the growing interest in health matters. Public spirited citizens are organizing health centers, clubs are appointing health departments and seriously discussing health problems, and the net result will be giving health its proper place—the place of highest importance in the financial, industrial, business and social scale.

The presence of our friend, Judge W. A. Beasley, the president of the California State Conference of Social Agencies, is a splendid exhibition of public spirited citizenship. Judge Beasley will preside over a gathering next week at San Jose of prominent men and women who are devoted to the public welfare. From their deliberations and discussions on such subjects as "Community Health," "The Public Health Nurse of the Future," "The Practical Value of Mental Examinations," "Reconstruction Labor Problems," "The Problem of Physical Education and Recreation in the State," and Child Welfare, etc., not only those who have the privilege of attending that State Conference of Social Agencies will receive benefit but all the communities to which they return will receive new inspiration along the very lines which our League for the Conservation of Public Health is unselfishly working. And I know that the Judge will have a new devotion enkindled by this meeting here today and realize that the medical profession of California, whose members are the indispensable factors in all social work—are fulfilling their noble mission as health leaders in a noble way.

I have heard it said during this baby welfare campaign that more attention was given to raising hogs than to raising children.

I am inclined to believe that the statement is grossly exaggerated and that the interest in pigs is not a hogish interest uncomplimentary to children, but primarily intended to furnish better spare ribs, better ham and bacon and better pork chops for the children and their elders.

Any violation of health laws by parents that would impair the health of their children is an assault upon the children's rights before and after they come into the world. As the future of the race rests upon the protecting of the rights of children they deserve the highest consideration.

The examination of school children to ascertain how many are suffering from incipient disease, defective teeth, diseased tonsils, defect of vision, hearing, adenoids, etc., is a duty that we owe the children, but those responsible for the health of the community are sometimes embarrassed in fulfilling this plain duty by those who believe that such obvious things as sore eyes, diphtheria,

measles, scarlet fever, etc., do not exist, but if they do exist that scientific medicine is not the proper procedure. Which reminds of the man who was charged with stealing a sheep. He offered two defenses. One, that his accuser had no sheep to steal and the other that even if he did take the sheep, the sheep was not worth nearly as much as the owner claimed.

The prevention of disease is dependent upon the observance of essential health laws by everybody, and it is only through an awakened and enlightened and united public sentiment that essential health laws can be enforced.

It is in this regard that the value of the work that Judge Beasley is doing is best exemplified.

Even a few violations of preventive measures neutralize them and serve as handicaps to delay and curtail results.

Take the anti-spitting ordinance as an offensive example. The majority observe it. But the few void their rheum wherever and whenever they have the inclination. As a result disease is spread.

The public expectorator not only violates city ordinances and canons of good manners and morals, but in casting forth his germs he is opening a Pandora box releasing all its ills.

This is plainly a serious violation of the rights of others.

And when we are inclined to question or condemn certain preventive measures as ineffectual or only tolerably successful, we should also consider this fact that we can only judge them fairly by finding out how strictly they are enforced and are observed.

My observation has been that those who resist preventive measures most observe them least, and we know that the effect of preventive measures may be wholly nullified by a few non-conformists.

Preventive measures of the soundest scientific value are often honored in the breach and not in the observance—and such breaches often defeat the very purpose of the best measures. Science is as powerless to cope with those who will not observe as the Creator of the world was with those who would not serve. He told them where to go and sent them thither. We can only tell them and give them general directions.

I am sure that the thought has often occurred to all of you of how powerless you are unless the people co-operate and how essential in each case is the co-operation of your patients and those that surround them. All the potent preventive measures that you or the combined medical profession may suggest depend not only upon the co-operation of the majority but upon the co-operation of all.

The greatest test and the greatest triumph of preventive measures occurred in army camps.

Why were preventive measures so successful in the army camps, forming such a splendid contrast to our cities?

Because all were obliged to observe strictly the rules that were made for the common good. No one was allowed to violate with impunity the health laws set down for the protection of all. The individual beliefs or opinions about proper sanitary measures, modes of prophylaxis or variety of therapeutics did not justify or permit anyone in violating or opposing the majority plan.

If the modern Health Department is ever to realize its full destiny and efficiency it will be when it has the hearty co-operation of all the agencies in city and country alike, and to bring these agencies into harmonious effort is the great purpose of this League.

The modern Health Department cannot tolerate a Diogenes living in a dirty tub, preaching strange doctrines and occasionally sallying forth at noon-day with a lantern modestly seeking an honest man.

The Diogenes of today menaces the life of his neighbors, because he may start a pestilence from his tub. If he would just clean house, put out

his dim lantern and look at his fellow men and the plain facts in the light of the noonday sun, he would recognize that the small circumference of his tub had circumscribed his comprehension and the smoky lantern had obscured his vision.

As the duties and rights of every individual in every community are so interrelated and interdependent, it is obvious that all must comply and co-operate with wise Health Laws to make them effective for the protection of all.

Man himself is the chief source from which diseases are spread. All hygienic laws that leave the individual to do as he pleases in vital matters are futile.

## Department of Pharmacy and Chemistry

Edited by FELIX LENGFELD, Ph. D.

Help the propaganda for reform by prescribing official preparations. The committees of the U. S. P. and N. F. are chosen from the very best therapeutists, pharmacologists, pharmacognosists and pharmacists. The formulae are carefully worked out and the products tested in scientifically equipped laboratories under the very best conditions. Is it not plausible to assume that these preparations are, at least, as good as those evolved with far inferior facilities by the mercenary nostrum maker who claims all the law will allow?

Many physicians who have sent to the Collector of Internal Revenue \$1.00 in payment of re-registration from January to July, under the new Revenue Act, will be surprised to have this dollar returned with the request that they forward \$1.50. The new license fee for a physician is \$3 a year or \$1.50 for the half year, and it was assumed that the 50 cents already paid on the old license would be credited to the new. However, the Treasury Department has decided not to do this but to demand the full fee for the period mentioned without regard to any previous fee paid.

The United States Supreme Court, five to four, has sustained the constitutionality of the Harrison Anti-narcotic Act in so far as it relates to criminal prosecution of registered persons for violation of the Act. Many constitutional lawyers had thought that the Supreme Court would consider the Harrison Act a police measure masquerading as a revenue bill and, therefore, an infringement on the constitutional rights of the individual States. The Supreme Court, however, held that Congress has the right to pass any revenue measure it pleases and to make such regulations as it sees fit, it being assumed that these regulations are made for the purpose of preventing fraud upon the revenue. It was held that the Court has no right to question the ulterior motives of Congress but must assume that the measure is a revenue measure, pure and simple.

The court specifically decided that a registered physician is not privileged to give away or sell 500-1/6 grain heroin tablets except to a registered person upon the presentation of a requisition properly signed. It also held that a licensed physician is not privileged to give or sell an addict a like quantity of narcotic for the purpose of preventing bodily discomfort and satisfying the craving. It likewise held that a physician is not privileged to write a prescription containing a narcotic for an addict in order to satisfy the craving of such addict unless the addict be a bona fide patient taking a bona fide cure, and such a prescription cannot be filled by a pharmacist, and if a pharmacist knows that such a prescription is given for the purpose of satisfying the craving and fills that prescription, the physician and he are guilty of conspiracy. In any case, the physician writing such a prescription is liable to criminal prosecution. It has been not uncommon for an addict to request a physician to undertake a cure and to ask that the physician provide him with a small quantity of narcotic while he is being prepared. According to this decision the physician is liable to criminal prosecution if he does this. He must see that the patient begins

the cure at once and he must see that it is a bona fide cure.

The Hygienic Laboratory, Federal Public Health Service, has investigated a number of complaints regarding the toxicity of American Arsphenamine (Salvarsan 606). It was found toxicity in practically every case reported was due to the use of a solution too concentrated or given in too short a time. At least 30 cc. of solution should be allowed for each 1/10 gram Arsphenamine and at least two minutes for the intravenous injection of each 30 cc. This means for the full dose of 6/10 grams at least 180 cc. of solution and twelve minutes for its administration. There is no objection to making the solution somewhat more dilute and taking a slightly longer time to give it.

## Conference on Hospital Standardization

(Century Club, San Francisco, April 7, 1919.)

### ADDRESS BY FATHER MOULINIER.

In a forceful and convincing address, Charles B. Moulinier, S. J., called attention to the inescapable duties of the medical profession and the public, in making possible a "hundred per cent. of modern medicine" for every patient who enters a hospital. He pointed out that this movement for elevating the standards of hospitals is equal in importance to that which has raised the standards of medical education in this country. The interests of the public can be safeguarded only by improving medical education and by bringing hospital organization to a high degree of efficiency. Every link in the chain of modern hospital organization must be strengthened, the system of records, the hospital staff and the clinical laboratory. Only in this way can the patient receive a "hundred per cent. of modern medicine."

In the achievement of this laudable purpose, the public must help. The patient who is unable to pay for the most thorough medical examination and treatment is nevertheless entitled to such service. It, therefore, becomes the duty of the public to aid in the maintenance of the hospital which serves them.

### ADDRESS BY DR. BOWMAN.

Dr. J. G. Bowman, Director of the American College of Surgeons, spoke on Hospital Standardization as it is understood and meant by the College. He pointed out the existence, here and there, of hospitals which had no laboratory nor roentgen service, no system of records, still less an adequate one, and no check of any kind on the work that was done. In such a hospital a practitioner without conscience or professional morals could easily take advantage of his patients, and he instanced one hospital in which a large number of uterine curetages were done, with no laboratory examination of the curetings.

A survey of such hospitals, done in a spirit of helpfulness, so that the faults may be undone and then corrected, would be a notable public service. It would make such hospitals come up to standard, so that patients going there could count on a minimal residence with maximal results. A proper set of records would show this, and such a hospital would be able to compete with the best for public approval and support. A working man to whom time and the permanence of result count perhaps most, could go to such a hospital confident that a hernia operation, for instance, would heal without infection and that the result would have the best expectancy for permanence, etc.

Dr. Bowman urged particularly the responsibility of the directors, who presented the hospital to the public, for the character of the men and work of the place, and begged that this should be frankly